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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,630	08/20/2001	Jaku Jose	WIDC-033/00US	6415
23446	7590	11/18/2005	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			JUNTIMA, NITTAYA	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

K

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/933,630	JOSE, JAKU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nittaya Juntima	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/22/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 14/15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/22/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to the amendment filed on 8/22/2005.
2. The objections to the claims are withdrawn in view of applicant's amendment.
3. Claims 1-13 and 16-20 are allowed. The prior art alone or in combination fail to teach or make obvious on the following when considered in combination with other limitations in the claims: after determining that the first packet is a multi-slot packet, transmitting a second packet to a second slave via the channel at a second frequency different from the first frequency, wherein the second packet is transmitted after the first slot and prior to the end of the first packet.
4. Claims 14 and 15 remain rejected under 35 U.S.C. 102(e).

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Haartsen (USPN 6,650,630 B1).

Regarding claim 14, as shown in Fig. 10D, Haartsen teaches a method comprising:

(a) Defining a duplex communication (TDD) channel using a plurality of time

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slots and a plurality of communication frequencies, each time slot having an associated communication frequency (col. 3, ll 20-29).

(b) Tuning a first receiver (RAD1) to a sequence of frequencies based on the passing of time slots (RAD1 must be tuned to a sequence of frequencies, see also col. 7, ll 49-63 and col. 9, ll 3-11, Figs. 5 and 7a).

(c) Detecting a first portion of a multi-slot packet (3D) in a first time slot (the master must detect that the packet 3D is a multi-slot packet in order to remain on the same frequency through a multi-slot packet, col. 13, ll 59-62, see also col. 10, ll 49-53).

(d) Timing said first transceiver (RAD1) to the communication frequency associated with said first slot for a number (three) of slots needed to correspond to said multi-slot packet (the master must time its RAD1 for three time slots in order to remain on the same frequency through a multi-slot packet 3D).

(e) During said number of slots (three time slots used in receiving packet 3D), tuning a second transceiver (RAD3) to communication frequencies in accordance with the defined duplex communication channel (RAD3 must be tuned to a sequence of frequencies according to TDD channel, see col. 7, ll 49-63 and col. 9, ll 3-11, Fig. 7a).

7. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Mansfield (USPN 6,704,346 B1).

Regarding claim 15, as illustrated in Fig. 4A, Mansfield teaches a method comprising:

(a) Defining a duplex communication (TDD) channel using a plurality of time slots and a plurality of communication frequencies, each time slot having an associated communication frequency (col. 5, ll 32-38 and col. 6, ll 50-56).

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(b) Receiving a first portion of a packet (a first slot of a 3-slot packet transmitted to a master on frequency F43) from a secondary device (slave) in a first time slot at a first communication frequency (F43). See col. 5, ll 64-66 and col. 6, ll 66-col. 7, ll 6.

(c) During a second time slot (a second slot of a 3-slot packet allocated to frequency F43), transmitting a packet using the communication frequency (F43) associated with said second time slot in the definition of the duplex communication channel (a 3-slot packet being transmitted to the master by the slave on frequency F43), and receiving a second portion of said packet from said secondary device at said first communication frequency (a portion of a 3-slot packet is received by the master at the second slot of the three slots allocated to frequency F43). See col. 5, ll 64-66 and col. 6, ll 66-col. 7, ll 6.

### *Response to Arguments*

8. Applicant's arguments filed 8/22/2005 have been fully considered but they are not persuasive.

A. In the remarks regarding claim 14, the applicant argued that Haartsen, specifically Fig. 10b, does not teach detecting a first portion of a multi-slot packet in a first time slot as recited in the claim 14.

In response, note that the rejection was/is based on Fig. 10D of Haartsen, not 10b. Therefore, the applicant's argument regarding Fig. 10b is irrelevant. Referring to Fig. 10D, a multi-slot packet 3D is received at RAD1 of the master at one frequency and the RAD1 stayd at the same frequency until the completion of the 3D packet (col. 13, ll 59-62 and see also col. 10,

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ll 49-53). Therefore, the master must detect a first portion of the 3D packet in a first time slot as recited in the claim. The rejection is maintained.

B. In the remarks regarding claim 15, the applicant argued that Fig. 4A of Mansfield does not teach the limitations (b) and (c) as recited in claim 15.

In response, as illustrated in Fig. 4A, Mansfield teaches (b) receiving a first portion of a packet (a first slot of a 3-slot packet transmitted to a master on frequency F43) from a secondary device (slave) in a first time slot at a first communication frequency (F43), and (c) during a second time slot (a second slot of a 3-slot packet allocated to frequency F43), transmitting a packet using the communication frequency (F43) associated with said second time slot in the definition of the duplex communication channel (a second slot of the 3-slot packet is being transmitted to the master by the slave on frequency F43), and receiving a second portion of said packet from said secondary device at said first communication frequency (a second slot of the 3-slot packet is received by the master at the second slot of the three slots allocated to frequency F43). See col. 5, ll 64-66 and col. 6, ll 66-col. 7, ll 6. It is noted that the features upon which applicant relies (i.e., the master/slave transmitting and receiving in a particular time slot, and the master/slave transmitting using a communication frequency associated with that time slot and also receiving in that time slot using a communication associated with another time slot) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the rejection is sustained.

### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).


-A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima  
November 7, 2005  
NS

  
RICKY NGO  
PRIMARY EXAMINER